

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claim 8 is currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-6 and 8-31 are now pending in this application.

It should be noted that claim 8 has been amended for clarification and consistency purposes. Specifically, claim 8 (which originally depended from claim 7) has been amended to be dependent upon independent claim 1 of the present application because claim 7 was previously cancelled in Applicant's Amendment and Reply of May 14, 2008. In making this amendment, Applicant does not intend to narrow the scope of the claim in any way. Moreover, in the event that this claim is not discussed further herein, Applicant is not surrendering claim scope with regard to the Doctrine of Equivalents. Moreover, if there are any questions concerning this issue, the Examiner is encouraged to contact the undersigned.

In the outstanding Office Action of June 13, 2008, the Examiner rejected claims 1-6 and 8-31 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,657,658 (Takemura) in view of U.S. Patent No. 6,650,365 (Sato). Applicant traverses the rejections for the reasons set forth below.

With regard to independent claims 1, 10, 18, and 31 of the present application, the Examiner asserted that Takemura teaches all of the required limitations recited therein except for storing image data in a lossy format. In making these assertions, the Examiner maintained her reasons for rejection set forth in the previous Office Action of November 15, 2007. Additionally, the Examiner responded to Applicant's arguments presented in the May

14, 2008 Amendment and Reply regarding the lack of teaching or suggestion in Takemura for storing the most recent information indicative of modifications/adjustments. Applicant respectfully disagrees with the Examiner's position. In particular, Applicant submits that the teachings of Takemura have been mischaracterized.

Takemura teaches a system and method of allowing modifications/adjustments to image data before a "final" image or picture is output, e.g., in the form of a physical print. (*See, e.g.*, Abstract, Column 7, lines 29-59, Column 8, line 30-Column 9, line 12 of Takemura). That is, the system and method of Takemura intends to obviate any need for "trial and error" processing, so that an end user or customer may see a "preview" image and confirm that the modifications/adjustments to be made to the image data are as he/she desires. (*See, e.g.*, Column 1, lines 60-67, Column 2, lines 13-26, and Column 5, lines 52-67 of Takemura). Operation of the system and method taught by Takemura involves performing all modifications/adjustments before the final image is output. (*See, e.g.*, Column 8, line 30-Column 9, line 12 and Column 10, line 20-Column 11, line 20 of Takemura).

At page 2 of the outstanding Office Action, the Examiner reasoned that because Takemura teaches saving image settings once a photographer is content with those image settings, Takemura in effect, teaches saving the most recent information. However, "most recent" suggests that successive or subsequent modifications/adjustments occur. As previously argued by Applicant in the May 14, 2008 Amendment and Reply, at best, Takemura merely contemplates reproducing a first image in accordance with a first image file, reproducing a second image in accordance with a second image file and so on. In no way does this suggest that, e.g., the same image is adjusted/modified, where the most recent information indicative of adjustments/modifications is stored so that any "subsequent" processing modifications/adjustments may progress from the most recent modification/adjustment information. To wit, Takemura fails to teach or suggest any sort of data storage and re-storage of "finish" information during and/or after the initial preview image is shown for confirmation and the finish information is finally set. Instead and as described above, Takemura merely teaches storing settings for an image for the sole purpose of using the stored settings to output a final image, print, etc. Thus, the system and method of Takemura is clearly directed to finalizing modifications/adjustments before the final

image, print, etc. is output. Hence, any suggestion that subsequent processing is performed on an image is a mischaracterization of Takemura and contrary to the very purpose of the system and method of Takemura.

In contrast to Takemura, independent claims 1, 10, 18, and 31 of the present application explicitly require that image/audio data is stored along with the most recent information regarding adjustments to the image/audio data. Such a feature allows various embodiments claimed in, e.g., independent claims 1, 10, 18, and 31 to allow content to be stored with adjustment information so that the content can remain “untouched” even with successive adjustments. For example, page 9, lines 23-32 of the present application describes that actual image data can be stored and adjusted for display without the need to actually amend the image data. Hence, there is no need to recompress/decompress the image data which may lead to a loss in image quality. Therefore, Applicant submits that Takemura fails to teach at least the use and/or storage of most recent information indicative of adjustments/modifications made to, e.g., an image or audio representation as required in independent claims 1, 10, 18, and 31 of the present application.

The Examiner correctly recognized that Takemura fails to teach storing image data in a lossy format. However, the Examiner asserted that Sato cures this deficiency of Takemura. Applicant disagrees. In particular, Applicant submits that it would not have been obvious for one of ordinary skill in the art to have combined Sato and Takemura, and even if such a combination were to be contemplated, Sato would vitiate the purpose and operation of the system/method of Takemura.

Sato teaches a device comprising, e.g., a memory device having an image recording area and an information recording area, where an image signal is subjected to image correction and recorded on the memory device. Thereafter, if the image signal is to be sent/displayed on an alternative display, the image correction may be reversed by reprocessing the corrected image signal. (*See, e.g., Abstract and Column 1, line 33-Column 2, line 8 of Sato*). That is, the processes used to arrive at the corrected image are performed in reverse so that the image can be returned to an “unaltered” state. (*See, e.g., Abstract and Column 2, lines 8-17 of Sato*). Sato further describes that the operations indicated above

involve, e.g., compression and recompression processes, according to a JPEG (lossy) algorithm. (*See, e.g.*, Column 3, lines 23-44 of Sato).

In light of the above, Applicant submits that the device taught by Sato operates in a manner that is entirely contrary to the system and method of Takemura. As described above, the system and method of Takemura is premised on performing all modifications/adjustments before a picture is, e.g., output in its final format. Again, Takemura at Column 5, lines 65-67 indicates that, “[a]ccordingly, a photographic print or a reproduced image in the desired finish can be surely obtained without repeating trial and error.” That is, the purpose of Takemura is to avoid the need to repeatedly perform processes after an image is output in its final form. Because Sato explicitly teaches that an image must be compressed and recompressed/corrected, reverse-processed to remove the corrections, modifying the system and method of Takemura with such processes would be contrary to the purpose and operation thereof. Therefore, Applicant submits that it would not have been obvious for one of ordinary skill in the art to have combined the teachings of Sato and Takemura because Sato teaches away from Takemura and because the alleged combination thereof would result in a system/method that operates in manner contrary to the disclosed operation of Takemura. Further still, even if it was the Examiner’s intent to rely solely on the teaching of Sato that image data can be stored in JPEG/lossy format, Applicant submits that doing so would improperly ignore the entirety of the teachings of Sato. Hence, Applicant submits that Sato cannot cure the deficiencies of Takemura.

In contrast to Sato and/or the alleged combination of Sato and Takemura, independent claims 1, 10, 18, and 31 of the present application explicitly require that image or audio data is stored in a lossy format along with the most recent information regarding adjustments that have been made to the image or audio data. Various embodiments disclosed in independent claims 1, 10, 18, and 31 of the present application provide a data unit/device/method enabling, e.g., image data, to be stored in a lossy format while preventing a loss in image quality that is conventionally experienced when making modifications/adjustments to the image data. As described above, page 9, lines 8-32 of the present application describes shortcomings of the prior art/conventional lossy format storage, where the need to compress and recompress image data during and/or after processing can lead to a loss in image quality.

As also described above, Sato describes precisely the type of device that various embodiments disclosed in independent claims 1, 10, 18, and 31 of the present application seek to improve upon. Therefore again, Applicant submits that Sato cannot cure the deficiencies of Takemura, nor would the alleged combination of Sato and Takemura teach or contemplate each and every required limitations of independent claims 1, 10, 18, and 31.

Because none of the references cited by the Examiner, either separately or in combination with each other, teach all of the limitations disclosed in independent claims 1, 10, 18, and 31 of the present application, Applicant submits that each of these independent claims are patentable over this prior art. Furthermore, because dependent claims 2-6, 8, 9, 11-17, and 19-30 are each directly or indirectly dependent upon independent claims 1, 10, and 18, Applicant submits that each of these claims are allowable for at least the same reasons as discussed above.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith,

Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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By /G. Peter Albert, Jr./

FOLEY & LARDNER LLP
Customer Number: 30542
Telephone: (858) 847-6735
Facsimile: (858) 792-6773

G. Peter Albert Jr.
Attorney for Applicant
Registration No. 37,268